



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
NEW YORK REGIONAL OFFICE
3 WORLD FINANCIAL CENTER
SUITE 400
NEW YORK, NEW YORK 10281-1022

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DOCUMENT	
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MISSION	MICHAEL D. BIRNBAUM
DOC #:	WRITER'S DIRECT DIAL
DATE FILED:	TELEPHONE: (212) 336-0523
	FAX: (212) 336-1319
	BirnbaumM@sec.gov

MEMO ENDORSED

October 19, 2007

By Facsimile

Hon. P. Kevin Castel
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 2260
New York, NY 10007

RE: S.E.C. v. Empire Development Group, LLC et al. (07 Civ. 3896 (PKC))

Dear Judge Castel:

We represent Plaintiff Securities and Exchange Commission in the above-styled action before this Court. On September 7, 2007, the Court scheduled a conference for October 25, 2007 to discuss, among other issues, the possibility of appointing a receiver to facilitate the sale of certain property in Defendants' possession or control.

Since this Court's September 7 order, Empire's New Jersey property has been sold and a bid has been accepted for Empire's Brooklyn property. Furthermore, as the Court is aware, the Commission's motion for summary judgment has been fully briefed. If the sale of the Brooklyn property proceeds as planned, the only property left for Defendants to sell is one vintage car purchased with Empire's money. The Commission does not believe that the sale of this car warrants the appointment of a potentially costly receiver.

In the interest of efficiency, the Commission respectfully suggests that the scheduled October 25 conference might be adjourned while the parties work to finalize the sale of the Brooklyn property and attempt to agree on a plan to sell the Company's Corvette.

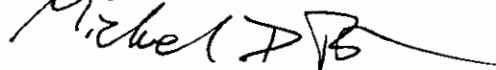
Empire has informed the Commission that it consents to our proposed adjournment, but wishes to reserve the right to request the appointment of a receiver. The Commission is, of course, prepared to proceed with the scheduled October 25 conference if the Court so desires.

*October 25 conference
adjourned to
November 26, 2007 at 9:30a*

*S O O R D E R E D
USDJ
10-19-07*

Please do not hesitate to contact us should the Court seek any additional information on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Birnbaum", with a long horizontal flourish extending to the right.

Michael D. Birnbaum
Attorney
Division of Enforcement